

Please cancel claim 19.

REMARKS

12-18, 20-21

Claims 1 and 12-21 are pending in the application. For the reasons that follow, it is respectfully submitted that the claims as amended are allowable over the art of record.

The present invention is based on the discovery that the combination of a certain naturally occurring α -amylase with a certain peroxidic oxydizing agent unexpectedly leads to improved detergent performance. The invention requires the selection of a naturally occurring α -amylase derived from *Bacillus amyloliquefaciens* from among the hundreds of α -amylases of various natural and synthetic origins disclosed in the art. Claim 1 has been amended to emphasize this distinction over the art, which is disclosed at page 2, lines 21 to 25 of the specification. No new matter has been added.

Claim 18 stands rejected as indefinite under 35 U.S.C. § 112. It is alleged that the phrase "per percent by weight" renders unclear how much alkali metal percarbonate is present relative to the amount of enzyme. It is believed that this rejection is in fact of claim 19 as renumbered by the Examiner. Claim 19 is now cancelled, rendering this rejection moot.

Claims 1 and 12-21 stand rejected as obvious over WO98/07818 to Herbots. Herbots discloses laundry detergent

compositions comprising an amylase and an amylase-directed antibody. The amylases useful in Herbots detergent compositions include both α - and/or β - amylases. Indeed, Herbots is indifferent to the origin of its amylases. At page 11, lines 13-24, Herbots discloses that the enzymes can be of animal or plant origin, purified or non-purified, mutant or native. While a native enzyme produced by *B. amyloliquefaciens* is disclosed at page 12, line 11, Herbots' examples reinforce its indifference to the nature of its amylase by not specifying the exact enzyme used in the compositions tested. Herbots claims also exemplify the lack of concern about a specific amylase. At their most specific, the claims call for an amylase of fungal or bacterial origin within the class EC 3.2.1.1, which encompasses literally hundreds of α -amylases.

On the other hand, applicants very specifically call for a naturally occurring α -amylase derived from *Bacillus amyloliquefaciens*. One of ordinary skill in the art would have little reason to select this specific amylase from the myriad amylases disclosed in Herbots to combine with the recited peroxidic oxydizing agent. Even in its most preferred embodiments in the examples, Herbots does not distinguish between BAN® and the other α -amylases not claimed by applicants. A suggestion or motivation to select the claimed enzyme is required to establish *prima facie* obviousness. Because Herbots lacks the requisite motivation to select the components and combine them as presently claimed, the claims as amended are not obvious over Herbots.

Moreover, any *prima facie* obviousness of the claims is overcome by the comparative testing presented in applicants' examples 1 and 2. There, detergent compositions according to the invention comprising a naturally occurring α -amylase derived from *Bacillus amyloliquefaciens* are compared to detergent compositions comprising several well-known amylases of natural and synthetic (genetically modified) origin. Indeed, applicants tested the inventive compositions against compositions comprising some of the very enzymes that Herbots in its examples saw no reason to specify, including Termamyl® 60T, a naturally occurring amylase derived from *Bacillus latus*, Duramyl® and PurafectOxAm®, genetically modified amylases, and Fungamyl®, an amylase of fungal origin. In applicants' tests, detergent compositions comprising the naturally occurring α -amylase derived from *B. amyloliquefaciens* clearly outperformed otherwise identical detergent compositions containing these other α -amylases. Thus, any *prima facie* obviousness that could be derived from Herbots is rebutted by applicants' evidence of unexpected and superior cleaning performance according to the invention.

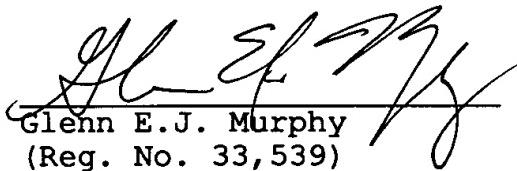
CONCLUSION

For the reasons above, applicants respectfully submit that the claims as amended are now in condition for allowance.

Applicants ask that the period for responding to the June 20 Office Action be extended two months to November 20,

2001. The fee under 37 C.F.R. § 1.17(a)(3) of \$400.00 should be charged to Deposit Account No. 01-1250 (Order No. 01-0824). Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully submitted,



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